

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

JONATHAN PATRICK ROSE, #223157,

Petitioner,

v.

CASE NO. 2:10-CV-11160

HONORABLE GEORGE CARAM STEEH

CATHERINE BAUMAN,

Respondent.

ORDER DENYING PETITIONER'S MOTION FOR RECONSIDERATION

This matter is before the Court on Petitioner's motion for reconsideration regarding the Court's denial of his petition for a writ of habeas corpus. Petitioner challenges the Court's ruling that several of his claims are barred by procedural default due to his failure to properly exhaust those claims before the Michigan Court of Appeals when seeking review of the trial court's denial of his motion for relief from judgment. Petitioner asserts, for the first time, that the prison librarian refused to make copies of certain materials for submission to the appellate court.

Having reviewed Petitioner's motion, the Court finds no reason to reconsider its decision. The Court properly determined that several of Petitioner's claims are defaulted. A motion for reconsideration which presents issues already ruled upon by the Court, either expressly or by reasonable implication, will not be granted. *See Hence v. Smith*, 49 F. Supp. 2d 547, 550 (E.D. Mich. 1999); *Czajkowski v. Tindall & Assoc., P.C.*, 967 F. Supp. 951, 952 (E.D. Mich. 1997). Additionally, the documents attached to Petitioner's motion indicate that he could have complied with the appellate court's order by preparing his exhibits by hand. Moreover, Petitioner is not

entitled to reconsideration because the Court also ruled that Petitioner's defaulted claims lacked merit for the reasons stated by the state trial court in denying his motion for relief from judgment. Petitioner has not met his burden of showing a palpable defect by which the Court has been misled or his burden of showing that a different disposition must result from a correction thereof, as required by Local Rule 7.1(h)(3).

Accordingly, the Court **DENIES** Petitioner's motion for reconsideration. This case is closed. No further pleadings should be filed in this matter.

IT IS SO ORDERED.

Dated: October 15, 2012

s/George Caram Steeh
GEORGE CARAM STEEH
UNITED STATES DISTRICT JUDGE

CERTIFICATE OF SERVICE

Copies of this Order were served upon attorneys of record and on Jonathon Rose, #223157 at Kinross Correctional Facility, 16770 S. Watertower Drive, Kincheloe, MI 49788 on October 15, 2012, by electronic and/or ordinary mail.

s/Barbara Radke
Deputy Clerk